

### **REMARKS**

It is noted that the Information Disclosure Statement filed on November 10, 2000 still has not been referenced by the Examiner. It is respectfully requested that the listing of references in the accompanying PTO Form 1449 provided in that Information Disclosure Statement filed on November 10, 2000 be made of record in this application.

Claims 1-26 and 41-56 are pending in the application (although the Office Action references claims 42-56, it is respectfully submitted that claim 41, an independent claim, is still pending in this application, and has never been cancelled by the Applicant). Applicant has canceled claims 19 - 26 and 41-51. Claims 41 - 51 have been allowed in applicants co-pending application Serial No. 09/638,088, was filed August 11, 2000.

Of the remaining claims, claims 1-16 and 52-54 stand rejected; claims 17-18 and 55-56 have been allowed by the Examiner.

Claims 1-5, 7, 9-11, 13-14, and 52-53 are rejected under 35 U.S.C. § 102(b) as being anticipated by Waalkes, U.S. Patent No. 5,899,035 (the Waalkes '035 patent). The Examiner has stated that Waalkes '035 discloses a knock down portable partition system 1, comprising vertical post 6, lock members 12, a rigid frame 2, facing panels 4 removably mounted to rigid frame members 2, means for mounting having top, intermediate, bottom support brackets 5 between frame panels, a crown member 106, vertical supports 7 have a plurality of openings 21 for cable or utility wires 23, 24, bottom panels 42, a 'free standing member' 30, a base cover 50, utility troughs 30, 31, communication lines 30, and power lines 28, referencing Figures 1-13, 24-27, and 33-34 and Columns 6 through 10. This rejection is respectfully traversed.

Of the claims remaining in the application, claims 1 and 52 are independent claims. It is noted that both of these claims recite, among other things, that the facing panels are mounted to

the frame assembly such that there exists an "unobstructed" cavity or cavities formed between the frame assembly and the facing panel assembly. Nowhere in the Waalkes '035 patent, nor in the Examiner's remarks, is there recited a "cavity" between the facing panels and the frame assembly as described and claimed in the present application. Moreover, Waalkes '035 requires utility troughs for the routing of communications and other cabling through the panel. The present invention, as shown in the drawings and described in the specification, obviates the need for individual cable troughs through the panel assembly. Thus wires can be laid in after the panel assembly has been constructed. There is no mention of a cavity anywhere within the Waalkes '035 patent, in as much as the lock members 12 on the beams 11 interlock with the vertical supports 7. Also the facing panel 4 utilizes connectors 5, which mount the cover panel to the panel frame 2, in particular to apertures 28 on front faces 27 of each vertical post 6 (see Col. 7, lines 31-32) such that no cavity exists between the cover panel and the vertical support post 6. No cavity can exist if the panel is connected directly to the front faces of vertical post 6. Thus Waalkes '035 teaches away from the present invention and therefore cannot show each and every element of the claimed invention as required under 35 U.S.C. § 102(b).

The remaining rejection of claims 6, 8, 12, 15, 16, 18 and 54 under 35 U.S.C. § 103(a) as being unpatentable over Waalkes '035 patent and Nickens (U.S. Patent No. 5,537,736) is also respectfully traversed. Since the main reference to Waalkes '035 does not show each and every element of the independent claims 1 and 52, the combination fails to shown each and every element of the dependent claims dependent therein and cited above.

In view of the foregoing, it is respectfully submitted that all of the claims are allowable over the prior art of record, which neither shows nor suggests the claimed invention, either alone or in combination. Therefore, a favorable action allowing the application as amended is

respectfully requested. The Examiner is invited to call the undersigned if he feels that such a conference would be helpful in expediting the prosecution and allowance of this application.

Respectfully submitted,



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**VERSION TO SHOW THE CHANGES**

52. A freestanding panel assembly for a modular office furniture system, the panel assembly comprising:

a rigid frame assembly having a top portion and a bottom portion, the rigid frame assembly further comprised of:

i) a plurality of vertical supports having opposing sides; and

ii) a pair of bottom facing panels, one each of said bottom facing panels attached to the bottom portion of each of said opposing side panels whereby a box beam structure is fabricated to form the rigid frame assembly;

a plurality of facing panels;

means for individually mounting each of said plurality of facing panels to the rigid frame assembly such that a plurality of unobstructed cavities are formed between the rigid frame assembly and each of said plurality of facing panels; and

a crown member attached to the top portion of the rigid frame assembly.

**In the Specification:**

This patent application is a continuation of our patent application titled, "HYBRID OFFICE PANEL CONSTRUCTION FOR A MODULAR OFFICE FURNITURE SYSTEM" filed on May 28, 1997 and assigned Serial No. 08/864,138, now U.S. Patent No. 6,167,664.